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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, HELENA DIVISION**

* * * * *

CHRISTIAN and BROOKS HAIGHT,)
Individually and as Co-Personal)
Representatives of the Estate of)
L.C.F.H., and as Natural Parents and)
Guardians of their Minor Daughter)
H.H.,)

Plaintiffs,)

v.)

UNITED STATES OF AMERICA)

Defendant.)

Cause No. _____

Hon. _____

COMPLAINT

COME NOW the above-named Plaintiffs, by and through their attorneys,

and complain and allege as follows:

PARTIES AND JURISDICTION

1. Plaintiffs Christian and Brooks Haight are citizens of the United States and are residents of Silver Bow County, Butte, Montana. They are the duly appointed Co-Personal Representatives of the Estate of L.C.F.H..

2. H.H., a minor, resides with her mother, Christian Haight, in Butte, Montana, Silver Bow County and is the sister of L.C.F.H..

3. This Court has jurisdiction over this case pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671, *et seq.*, in that the claim arises from the Government's conduct and/or its employees conduct in negligently maintaining its property at the United States Bureau of Reclamation Shannon Boat Launch on Canyon Ferry Reservoir near Helena, Montana. The negligent acts and omissions that are the subject of this action were committed by the Government's agents and employees, while acting within the course and scope of their employment. This Court has exclusive jurisdiction over tort claims brought against the United States, pursuant to 28 U.S.C. § 1346(b).

4. Plaintiffs' claims were filed in writing with the United States Department of the Interior, Bureau of Reclamation on March 22, 2017. On June 2, 2017, The Department of the Interior denied Plaintiffs claims. Accordingly, Plaintiffs have exhausted their administrative remedies.

5. The acts and omissions giving rise to this claim occurred in Lewis and Clark County, near Helena, Montana, which is within the Helena Division. Venue is proper in the Helena Division pursuant to 28 U.S.C. § 1402(b) and Local Rule 3.2.

FACTS COMMON TO ALL CLAIMS

6. Plaintiffs reallege the allegations contained in the preceding paragraphs and incorporate them here by reference.

7. In September of 2015, government employees of the Canyon Ferry Recreation Crew removed a dock from the Shannon Boat Launch at Canyon Ferry Reservoir for off season storage. The dock was left on the boat ramp at the launch area and not taken to the yard at the Bureau of Reclamation's field office.

8. The dock was equipped with a hinged access ramp which weighed 249 pounds. The ramp could be folded down flat on the walking surface of the dock or angled down to the ground.

9. As it was left for storage, the dock was not barricaded or posted with warnings to prevent or discourage public access to it.

10. On April 19, 2016, a Canyon Ferry Recreation Crew member completed installing new rubberized matting on the dock's ramp. Upon completion of the work

the dock's ramp was left in an improper, upright position and not properly secured.

See, photographs of the dock below.



Bureau of Reclamation Staff Investigation Photograph #28



Bureau of Reclamation Staff Investigation Photograph #30

11. On April 22, 2017, several Canyon Ferry Recreation Crew members inspected the dock. The inspection failed to recognize the dangerous condition and fix the improperly secured dock ramp.

12. On April 22, 2017, shortly after the Crew's failure to recognize the dangerous dock ramp, Brooks Haight arrived for a day of fishing with his 3 year old son, L.C.F.H., and 2 year old daughter, H.H..

13. At approximately 3:30 in the afternoon, L.C.F.H. and H.H. were playing on the dock when the ramp fell on top of L.C.F.H. and pinned his small body under its crushing weight.

14. A short time later, Brooks found L.C.F.H. pinned under the ramp. He lifted the ramp off him and called 911. CPR was started and L.C.F.H. was transferred by ambulance to St. Peter's Hospital in Helena, Montana, where he was diagnosed with bilateral lung contusions and an anoxic brain injury.

15. Due to L.C.F.H.'s grave condition, he was flown from St. Peter's Hospital to Sacred Heart Medical Center in Spokane, Washington. In Spokane, he was found to have sustained a crushing chest injury resulting in traumatic asphyxiation and a devastating injury that caused anoxic brain injury and possible brain death. L.C.F.H. passed away from his injuries the next day.

**COUNT ONE
(NEGLIGENCE)**

16. Plaintiffs reallege the allegations contained in the preceding paragraphs and incorporates them here by reference.

17. The United States Department of Interior Bureau of Reclamation failed to maintain its premises in a reasonably safe condition and this failure constitutes negligence.

18. The United States Department of Interior Bureau of Reclamation failed to properly supervise the work of its employees on the work done on the dock ramp. This failure constitutes negligence.

19. The United States Department of Interior Bureau of Reclamation failed to recognized the public safety risk of the improperly secured dock ramp. This failure constitutes negligence.

20. The negligence of Defendant was a substantial contributing factor and the legal cause of the injuries to and death of L.C.F.H.. His Estate is entitled to recover damages as allowed by law. The negligence of Defendant also caused individual damages to Brooks, Christian, and H.H.. As the heirs of the Estate of L.C.F.H., they are entitled to damages for the wrongful death of their son and brother, including loss of companionship and grief.

WHEREFORE, Plaintiffs seek the following relief:

1. Judgment against the Defendant to compensate them for injuries and losses as described in the preceding paragraphs and as allowed by law;
2. For attorney fees and costs of this action;
3. For such relief as the Court deems just.

DATED this 9th day of June, 2017.

/s/ Jonathan M. Cok

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Attorneys for Plaintiffs